21 C.J.S. Courts § 245

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Courts

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VII. Records

§ 245. Custody and control of court records

Topic Summary | References | Correlation Table

West's Key Number Digest

West's Key Number Digest, Courts 113

Courts have inherent power over their records.

Courts have the inherent power to maintain and control their records, ¹ and a court has general authority over its own records. ² The court's power is not dependent on a statutory grant ³ or subject to statutory regulation. ⁴

The inherent power to control records includes the power to expunge them;⁵ however, this power should not be employed indiscriminately.⁶

CUMULATIVE SUPPLEMENT

Cases:

Just as the Legislature and agencies can define standing requirements, the Supreme Court has supervisory authority over its own records and can set out the procedures for accessing those records. State v. Z.P., 2022 VT 49, 287 A.3d 1017 (Vt. 2022).

[END OF SUPPLEMENT]

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Footnotes

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Cal.—Estate of Hearst, 67 Cal. App. 3d 777, 136 Cal. Rptr. 821 (2d Dist. 1977).

Conn.—Ruggiero v. Ruggiero, 55 Conn. App. 304, 737 A.2d 997 (1999).

III.—People v. Slover, 339 III. App. 3d 1086, 274 III. Dec. 476, 791 N.E.2d 568 (4th Dist. 2003).

State supreme court's responsibility

As head of the judicial branch, the state supreme court has the exclusive responsibility for determining how records in the court system are filed and maintained.

Fla.—Amendments to the Rules of Judicial Administration-Rule 2.090-Electronic Transmission and Filing of Documents, 681 So. 2d 698 (Fla. 1996), amended on other grounds, 701 So. 2d 1164 (Fla. 1997).

Cal.—St. John v. Superior Court, 87 Cal. App. 3d 30, 150 Cal. Rptr. 697 (4th Dist. 1978).

Haw.—Honolulu Advertiser, Inc. v. Takao, 59 Haw. 237, 580 P.2d 58 (1978).

Okla—Ober v. State, ex rel. Dept. of Public Safety, 2016 OK CIV APP 2, 364 P.3d 659 (Div. 2 2015).

Sealing

The district court has supervisory power over its own records and files, including the discretion to decide issues regarding sealing the record.

U.S.—Zurich American Ins. Co. v. Rite Aid Corp., 345 F. Supp. 2d 497 (E.D. Pa. 2004).

N.Y.—Dorothy D. v. New York City Probation Dept., 49 N.Y.2d 212, 424 N.Y.S.2d 890, 400 N.E.2d 1342 (1980).

Ky.—Ex parte Farley, 570 S.W.2d 617 (Ky. 1978).

III.—Twardowski v. Holiday Hospitality Franchising, Inc., 321 III. App. 3d 509, 254 III. Dec. 776, 748 N.E.2d 222 (1st Dist. 2001).

N.Y.—Dorothy D. v. New York City Probation Dept., 49 N.Y.2d 212, 424 N.Y.S.2d 890, 400 N.E.2d 1342 (1980).

Perpetual storage not required

Ind.—Rader v. State, 181 Ind. App. 546, 393 N.E.2d 199 (1979).

N.Y.—Dorothy D. v. New York City Probation Dept., 49 N.Y.2d 212, 424 N.Y.S.2d 890, 400 N.E.2d 1342 (1980).

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